

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**

Department of Consumer Affairs
1424 Howe Ave., Suite F
Greg Gorges Conference Room
Sacramento, CA 95825
(916) 263-2699

November 14, 2003

The open session meeting was called to order by the President, William Lew Tan at 9:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

William Lew Tan, President
Jacqueline Horn, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
Sylvia Johnson
James McGhee
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Laura Freedman, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator
Richard Hodgkin, Continuing Education Analyst

Public Present:

Charles Faltz, Ph.D., CA Psychological Association
Liam Duffy, Center for Public Interest Law, University of San Diego
Patricia Rose, Ph.D., San Diego Psychological Association

Agenda Item #1 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, Consumer Education Committee, and Continuing Education Committee met to discuss and formulate recommendations to the Board. The Committee meetings concluded at 11:00 a.m.

Agenda Item #2 - Office of Examination Resources Update – Tracy Ferrel, Ph.D., Chief

Tracy Ferrel, Ph.D., Chief, Office of Examination Resources (OER), gave a presentation on the examination process for the board's California Jurisprudence and Professional Ethics Examination (CJPEE). She provided a detailed explanation of OER's role within the Department of Consumer Affairs (DCA) and the exam-related services provided to the boards and bureaus within the DCA. Dr. Ferrel explained the necessity of an occupational analysis and how it defines the professional tasks new licensees must be able to perform at the time of licensure. Dr. Ferrel announced that the OER will conduct occupational analysis workshops in December and February. The board requested staff to ask OER to provide a timeline for the examination update efforts.

Agenda Item #3 - GLICK-SCROGGINS, Beth Ann, Ph.D. – Hearing on Petition for Reinstatement of Revoked/Surrendered License

Administrative Law Judge Leonard Scott presided. Deputy Attorney General Stephen Boreman was present and represented the people of the State of California, and Beth Ann Glick-Scroggins, Ph.D. was present and represented herself.

Agenda Item #4 - GOOTNICK, Andrew, Ph.D. – Hearing on Oral Argument on Non-Adoption of Proposed Decision

Administrative Law Judge Leonard Scott presided. Deputy Attorney General David Carr was present and represented the Board, and Andrew Gootnick, Ph.D. was present and represented by John Fleer, Esq.

Saturday, November 15, 2003

The open session meeting was called to order by the President, William Lew Tan, at 8:32 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

William Lew Tan, President
Jacqueline Horn, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
Sylvia Johnson
James McGhee (Arrived at 8:40 a.m.)
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D. (Arrived at 8:35 a.m.)

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Laura Freedman, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator

Public Present:

Charles Faltz, Ph.D., CA Psychological Association
Patricia Rose, Ph.D., San Diego Psychological Association
Liam Duffy, Center for Public Interest Law, University of San Diego

Allison Parelman, Ph.D., Los Angeles Society of Clinical Psychologists (LASCP)
Courtney Lubell, Director of Academic Services, IIS
Elizabeth Schreiber, Doctoral Student

Agenda Item #7 - Approval of August 15 & 16, 2003 Open Session Minutes

It was M/(Horn)/S(Adelman)/C to approve the August 15 & 16, 2003 open session minutes.
Graff/Johnson abstained.

VOTE: 5 Ayes, 2 Abstentions, McGhee/Thomas not present

Agenda Item #8 - President's Report – Mr. Tan

a) Introduction of New Board Members

Mr. Tan welcomed all present and introduced the newly appointed board members. He also mentioned that there is now a full complement of board members.

b) Committee Assignments

Mr. Tan appointed Sylvia Johnson as the chairperson of the Enforcement Committee.

c) ASPPB Annual Meeting Report

Mr. Tan discussed the information he and Mr. O'Connor received from the Association of State and Provincial Psychology Boards (ASPPB) annual meeting that they recently attended in Scottsdale, AZ. The main topics of discussion included supervision and licensing issues. Presentations were given at the ASPPB meeting by two former presidents of the board, Martin Greenberg, Ph.D., and Emil Rodolfa, Ph.D. They discussed the importance of supervisors being trained to supervise. They also discussed issues regarding discipline and monitoring.

Mr. Tan reported with great enthusiasm that the Ming Fischer Award was presented to Mr. O'Connor. He was acknowledged for his hard work and dedication to the profession of psychology.

d) Other President's Informational Items

None.

Agenda Item #9 - Executive Officer's Report – Mr. O'Connor

a) Staff Update

Mr. O'Connor reported that the board was very fortunate to avoid layoffs during the recent 12% reduction in the board's personnel budget. He mentioned that staff was in the process of interviewing for a half-time office technician position and preparing for three staff members' impending maternity leave.

b) Orientation Date for New Board Members

Mr. O'Connor reported that each new board member is required to complete orientation training for new board members. This is a mandatory training and must be taken within one year of appointment. The next training is scheduled for December 16th in Sacramento.

c) Other Executive Officer Informational Items

None.

Agenda Item #10 - Legal Counsel's Report – Laura Freedman

Ms. Freedman indicated that she had no items for update since this was her first meeting since her return from maternity leave.

Agenda Item #11 Regulation Hearings (10:00 AM)

a) Continuing Education Training Requirements – Amend Section 1397.61, California Code of Regulations

Mr. Tan conducted the regulation hearing on the proposed changes regarding continuing education training requirements for license renewal.

The board noted minor, nonsubstantive changes to delete repetitive language in new subsection (e) and to correct punctuation.

It was M/(Adelman)/S(Thomas)/C to adopt the proposed regulation and to delegate the authority to the Executive Officer to make minor, nonsubstantive changes to the proposed language and proceed with the rulemaking process.

VOTE: 9 – 0

b) Pre-Licensure Training Requirements – Amend Section 1382.5, Adopt Section 1382.6, California Code of Regulations

Mr. Tan conducted the regulation hearing on the proposed changes regarding pre-licensure training requirements for applicants.

It was M/(Reifman)/S(Horn)/C to adopt the proposed regulation and to delegate the authority to the Executive Officer to make minor, nonsubstantive changes to the proposed language and proceed with the rulemaking process.

VOTE: 9 – 0

c) Applications – Amend Section 1381, California Code of Regulations

Mr. Tan conducted the regulation hearing on the proposed changes regarding removal of specific deadlines for applications.

The board noted minor, nonsubstantive changes and a typographical error.

It was M/(Thomas)/S(Ruff)/C to adopt the proposed regulation and to delegate the authority to the Executive Officer to make minor, nonsubstantive changes to the proposed language and proceed with the rulemaking process.

VOTE: 9 – 0

Agenda Item #12 - Regulation Update – Ms. Bradbury

a) Continuing Education Requirements – Section 1397.61 , California Code of Regulations

Ms. Bradbury reported that the regulation file for continuing education criteria for recognizing an entity or organization to perform accreditation functions, was approved by the Office of Administrative Law and becomes operative January 1, 2004.

b) Other Regulation Update Informational Items

None.

Agenda Item #13 - Continuing Education Committee Report – (Chairperson – Dr. Adelman)

a) Human Diversity Training Issues

The board continued its ongoing discussion on the issue of human diversity training. Staff was directed to draft an invitation to be sent to experts in the area of human diversity to participate in a workgroup on this topic. The chair of the Continuing Education Committee provided an outline that identifies for members and staff the goals of the workgroup. The outline denotes how the workgroup will be organized and the method the group members will use to communicate and deliberate with each other on the topic.

b) Requests for Exception to Continuing Education Requirements

It was M(Continuing Education Committee)/C to accept J.B.M.'s request for an exception to the continuing education requirements.

c) Requests for Acceptance of Teaching and/or Practice Experience in Meeting the Spousal/Partner Abuse Training Requirement

It was M(Continuing Education Committee)/C to accept C.H.S.'s request for teaching and/or practice experience in meeting the spousal/partner abuse training requirement and to deny his request for a waiver of the aging/long-term care training requirement as there is no statutory authority to grant such a waiver.

It was M(Continuing Education Committee)/C to accept R.H.M.'s request for teaching and/or practice experience in meeting the spousal/partner abuse training requirement.

S.M.W. requested acceptance of teaching and/or practice experience in meeting the spousal/partner abuse training requirement. The Continuing Education Committee will need additional information before they can reach a decision. Specifically, the Committee has instructed staff to request S.M.W. to provide objective evidence of experience in this area in support of his request.

d) Distance Learning in Continuing Education

It was M(Continuing Education Committee)/C to notice the draft proposed language which would increase the amount of continuing education allowed to be accrued through distance learning technologies from 22% to 50% for a hearing at the February 2004 board meeting.

e) Other Continuing Education Update Informational Items

None.

Agenda Item #14 - Credentials Committee Report – (Chairperson – Dr. Horn)

a) Draft Language - Supervised Experience

The Credentials Committee asked Ms. Freedman, Legal Counsel, to review and make recommendations regarding the proposed draft language for SPE at the February 2004 board meeting. At that time, the board will vote whether to move forward with a regulation hearing in May 2004.

b) Draft Language – Psychological Assistants/Registered Psychologists

It was M(Credentials Committee) to move forward with the regulatory process for a February 2004 hearing. Ms. Freedman was asked to amend the language to clarify certain issues.

It was M/(Thomas)/S(Ruff)/C to go forward with the proposed regulation and to delegate the authority to the Executive Officer to make the appropriate changes to the proposed language and proceed with the rulemaking procedure.

VOTE: 9 – 0

c) Response to 7/3/03 Letter from CPA Division II

Dr. Horn reported on the response written by Mr. O'Connor to a letter received from Division II of the California Psychological Association regarding its recommendations about supervision regulations.

d) Best Practices: Supervised Professional Experience

Dr. Horn mentioned the document, *Best Practices: Supervised Professional Experience* is now available on the board's website and will also be included in the BOP Update 11. Dr. Horn reported that input was received for this document from experts in supervision and that this information will help trainees as well as supervisors understand what constitutes quality supervised professional experience.

e) BPPVE Approved School Data re: Compliance with AB 400

Dr. Horn reported that, at the August board meeting, staff was asked by the board to collect data on approved schools. Staff sent letters to approved schools asking each school to provide the application materials that are sent to potential students. Several schools responded and provided the requested information. Mr. O'Connor reported that the Bureau for Private Postsecondary Vocational Education (BPPVE) has authority over approved schools. He also reported that the pass/fail rates and licensure rates are on the board's website.

f) Review Plans for Supervised Professional Experience in Non-Mental Health Delivery Services

K.S.: Request board approval of SPE in Non-Mental Health Delivery Services under section 1387.3 (a) of the California Code of Regulations

The Credentials Committee will need additional information from K.S. before reaching a decision on the submitted plan. The Committee instructed staff to request that K.S. provide additional information to be presented at the February board meeting.

E.W.: Request board approval of SPE in Non-Mental Health Delivery Services under sections 1387.3 (a) and 1387.3(b) of the California Code of Regulations

The Credentials Committee will need additional information from E.W. before reaching a decision on the submitted plan. The Committee instructed staff to request that E.W. provide additional information to be presented at the February board meeting.

N.R.: Request board approval of SPE in Non-Mental Health Delivery Services under section 1387.3 (a) of the California Code of Regulations

The Credentials Committee will need additional information from N.R. before reaching a decision on the submitted plan. The Committee instructed staff to request that N.R. provide additional information to be presented at the February board meeting.

A.H.: Request board approval of SPE in Non-Mental Health Delivery Services under section 1387.3 (a) of the California Code of Regulations

It was M(Credentials Committee)/C to approve A.H.'s request to earn hours of supervised experience in the area of non-mental health delivery services.

N.G.: Request board approval of SPE in Non-Mental Health Delivery Services under section 1387.3 (a) of the California Code of Regulations

It was M(Credentials Committee)/C to approve N.G.'s request to earn hours of supervised experience in the area of non-mental health delivery service.

J.O.: Request board approval of SPE in Non-Mental Health Delivery Services under sections 1387.3(a) and 1387.3(b) of the California Code of Regulations

It was M(Credentials Committee)/C to approve J.O.'s request to earn hours of supervised experience in the area of non-mental health delivery services.

g) P.J.: Request for Waiver of Human Sexuality Course Requirement

It was M(Credentials Committee)/C to deny P.J.'s request for a waiver of the Human Sexuality Course Requirement.

h) Review Requests for Extension of 30-Consecutive Month Limit for Accrual of Supervised Professional Experience

F.T.: Request for Extension of 30-Consecutive Month Limit for Accrual of Supervised Professional Experience.

It was M(Credentials Committee)/C to deny F.T.'s request for an extension of the 30-consecutive month for accrual of supervised professional experience.

N.B. -Request for Extension of 30-Consecutive Month Limit for Accrual of Supervised Professional Experience.

It was M(Credentials Committee)/C to deny N.B.'s request for an extension of the 30-consecutive month for accrual of supervised professional experience

The Credentials Committee discussed when a request for an extension of the 30-consecutive month limit for accrual of supervised professional experience should be submitted. The committee agreed that the applicants should submit their requests once they have completed the supervised professional experience at issue.

i) Other Credentials Informational Items

None.

Agenda Item #15 - Examination Committee Report – (Chairperson – Dr. Ruff)

a) Examination Update

Dr. Ruff thanked Dr. Ferrel for her presentation to the board the prior day. He noted that the workshop for the review of the update Occupational Analysis scheduled for October had been postponed to a later date and that he plans to attend this workshop.

b) Other Examination Informational Items

None.

Agenda Item #16 - Enforcement Committee Report – (Chairperson Ms. Johnson)

Ms. Johnson deferred her report to Kathi Burns, Enforcement Coordinator, who reported on the following:

a) Enforcement Statistics

Enforcement statistics relating to the board's complaint, investigation and disciplinary action activities were provided. The statistics include the first quarter numbers for fiscal year 2003/2004. Additionally, probation and cost recovery statistical data for fiscal year 2002/2003 were provided to the board for information.

b) Other Enforcement Informational Items

The Enforcement Committee reviewed an application to be a Board Expert Reviewer from L.B. The Committee agreed that L.B. should be accepted as an expert reviewer.

Agenda Item #17 - Legislation Committee Report – (Chairperson – Dr. Thomas)

a) Chaptered Bills

Dr. Thomas reported on the recently chaptered legislation that affects the board. He reported as follows:

AB 348 provides that a psychologist who has personally evaluated or examined a person and has a collaborative treatment relationship with the psychiatrist may also recommend the person's early release from a mental health facility in certain situations.

AB 362 increases the amount of an administrative fine where the licensee is in violation of the Psychology Licensing Law or any regulations adopted pursuant thereto. Effective January 1, 2004 administrative fines shall not exceed \$5,000.

AB 938 requires the board to collect a surcharge of \$10 in addition to the renewal fee when renewing a license. This \$10 surcharge will be transferred into a newly created account entitled the Licensed Mental Health Practitioner Education Fund to establish the Licensed Mental Health Provider Education Program. This program provides grants to licensed mental health service providers who provide direct patient care in a publicly funded facility or a mental health professional shortage area.

AB 1669 requires a licensee to meet the requirements set forth in subdivision (f) of section 1031 of the Government Code. These requirements include a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. This sets standards through the Peace Officer Standards and Training Commission (POST) for those psychologists and those psychiatrists who perform evaluations of peace officer applicants.

b) Other Legislation Informational Items

None.

Agenda Item #18 - Consumer Education Committee Report – (Chairperson – Ms. Scott Reifman)

a) Website Statistics

Ms. Scott Reifman deferred this agenda item to Mr. Thomas. Mr. Thomas referred the board to the statistical information regarding website hits and license look up hits that were provided in their packets.

b) BOP Update 11

Ms. Scott Reifman reported that the next edition of the board's newsletter, the BOP Update, is scheduled for publication in December.

c) Other Consumer Education Informational Items

None.

Agenda Item #19 - Public Comment

None.

The open session meeting adjourned at 11:30 a.m.

William Lew Tan
President

Date